

# EXHIBIT A

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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SHAKEIYA BURNETT, VANESSA MORALES,  
JONATHAN MARMOLEJOS, RICHARD  
SERPICA, and HENRY FOSTER, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

-against-

WAHLBURGERS FRANCHISING LLC, CONEY  
BURGERS LLC, BIG APPLE BURGERS LLC,  
WBDC HOSPITALITY LLC, MARK ANDREW  
SINGER, and JOHN CESTARE,

Defendants.  
----- X

16 Civ. 04602 (WFK)(CLP)

NOTICE TO TAKE  
DEPOSITION UPON  
ORAL EXAMINATION

PLEASE TAKE NOTICE that pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Plaintiffs will take the deposition of Defendant Wahlburgers Franchising LLC, by one or more of the persons it may designate who is knowledgeable of and able to answer questions concerning the items listed in the annexed Addendum. The deponent is directed to produce all records not already produced concerning those areas of inquiry listed in the Addendum.

The deposition shall commence at 10:00 a.m. at the offices of Pechman Law Group PLLC, 488 Madison Avenue, 17th Floor, New York, New York 10022, on Friday, February 16, 2018. The deposition will be conducted before a notary public or other person authorized to administer oaths. This examination shall continue from day to day until complete and it may be videotaped. You are invited to attend to cross-examine.

Dated: New York, New York  
January 9, 2018

PECHMAN LAW GROUP PLLC

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**Notice of Deposition of Wahlburgers Franchising LLC –  
Addendum**

The deponent shall have knowledge of and be able to answer questions in the following areas of inquiry on behalf of Wahlburgers Franchising LLC:

1. Wahlburgers Franchising LLC's ownership, and /or control of Wahlburgers in Coney Island;
2. Policies and practices concerning timekeeping, including, but not limited to, use of timekeeping equipment, timekeeping forms, and recording of hours worked by Plaintiffs and employees at Wahlburgers in Coney Island;
3. Policies and practices concerning compensation, including, but not limited to, determination and payment of overtime wages paid to employees and Plaintiffs;
4. Any and all previous investigations of or proceedings against Wahlburgers Franchising LLC, including its owners, investors, shareholders, representatives, and/or related entities, by the United States and/or New York State Departments of Labor, regardless of their outcome;
5. Identification of all persons who did, or had the authority to, hire, fire, discipline, schedule, supervise, manage, determine the rate of pay, or otherwise direct the duties of employees at Wahlburgers in Coney Island, including Plaintiffs;
6. Identification of ownership, either individual or corporate, of Wahlburgers in Coney Island;
7. Duties and authority of Defendant Mark Singer;
8. Duties and authority of Defendant John Cestare;
9. Obligations under the Wage Theft Prevention Act, such as annual notices and accurate wage statements;
10. Record keeping requirements under the FLSA and NYLL;
11. Defendants' knowledge of the FLSA and NYLL;
12. Wahlburgers Franchising LLC's annual gross revenues since 2010;
13. All documents produced in this action;
14. All actions undertaken by Wahlburgers Franchising LLC to determine whether its payment of employees' wages complied with the FLSA and the NYLL, including, but not limited to, communications with attorneys, accountants, and government entities;
15. Employee work schedules at Wahlburgers in Coney Island;
16. Defendants' affirmative defenses in the Answer, including the basis for each one;

17. Defendants' corporate structure and ownership;
18. Defendants' management structure and management personnel;
19. Hours of operation of Wahlburgers in Coney Island;
20. Defendants' policies and practices concerning the recording of hours worked by employees and timeclock usage;
21. Documents provided to Plaintiffs, including but not limited to, handbooks, training manuals, employment applications, new hire packets, wage notification forms, and written rules and policies;
22. All individuals involved in Defendants' policies and practices related to Plaintiffs' compensation;
23. The job duties, compensation, responsibilities, and activities of Plaintiffs at Wahlburgers in Coney Island during the Liability Period; and
24. All topics addressed in Plaintiffs' Complaint filed in this Action.